

REMARKS

Applicant has studied the Office Action dated March 13, 2006. It is submitted that the application is in condition for allowance. After this Response, Claims 1-22 remain pending. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (3-4) rejected claims 1-15 and 17-22 under 35 U.S.C. § 102(e)/103(a) as being anticipated by Lee et al. (U.S. Patent No. 6,779,040) in view of Fields et al. (U.S. Patent No. 6,412,008); and
- (5) rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 6,779,040) and Fields et al. (U.S. Patent No. 6,412,008) in view of Salo et al. (U.S. Patent No. 6,563,800).

(3-4) Rejection under 35 U.S.C. §103(a) Lee et al. in view of Fields et al.

As noted above, the Examiner rejected claims 1-15 and 17-22 under 35 U.S.C. § 102(e)/103(a) as being anticipated by Lee et al. (U.S. Patent No. 6,779,040) in view of Fields et al. (U.S. Patent No. 6,412,008).

As the Examiner correctly recognizes on page 4 of the above-identified Office Action, "Lee does not explicitly indicate the request including a session information pertaining to the current communication session between the networked device and a server, the session information being separate from the request for delivery of image information and the image delivery parameter and the image presentation parameter associated with the networked device being contained in the session information."

The Examiner goes on to combine Fields et al. as a 102(e)/103(a) reference to attempt to render obvious the presently claimed invention. However, Fields et al. and the instant application are commonly assigned to International Business Machines,

Inc. 35 U.S.C. §103 (c)(1) states that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

An assignment from the applicant of the instant application to International Business Machines, Inc. was filed with the Patent Office and recorded by the Patent Office on March 13, 2001 on reel 011673 and frame 0645. The commonly assigned Fields et al. reference is "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent." Therefore, the Fields et al. reference cannot properly be cited against the instant application and is disqualified as a citable reference.

Because Lee et al., as stated by the Examiner, neither shows nor suggests the features of independent claims 1 and 17 of the instant application, and Fields et al is removed as a reference, claims 1 and 17 are patentable over the cited art. Dependent claims 2-15 and 18-22 are patentable as well because they all are dependent on either claim 1 or claim 17, respectively. Applicant therefore submits that the rejection of Claims 1-15 and 17-22 under 35 U.S.C. 103(a) has been overcome. The Examiner should withdraw the rejection of these claims.

(5) Rejection under 35 U.S.C. §103(a) Lee, et al. and Fields, et al.
in view of Salo, et al.

As noted above, the Examiner rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 6,779,040) and Fields et al. (U.S. Patent No. 6,412,008) in view of Salo et al. (U.S. Patent No. 6,563,800).

As stated in the section above entitled "(3-4) Rejection under 35 U.S.C. §103(a) Lee et

al. in view of Fields et al.", Lee et al. do not show nor suggest the features of independent claims 1 or 17 of the instant application and Fields et al. cannot properly be used as a reference to prove obviousness under 35 U.S.C. §103(a).

Because the Salo reference does not disclose the elements missing from Lee and Fields, and the Examiner has not even alleged that it does, it is accordingly believed to be clear that Lee et al., whether taken alone or in any combination with Fields, et al. and Salo, et al. neither shows nor suggests the features of independent claims 1 and 17. Claims 1 and 17 are, therefore, patentable over the art. Dependent claims 16 and 18 are patentable as well because they are dependent from claims 1 and 17, respectively. Applicants therefore submit that the rejection of Claims 16 and 18 under 35 U.S.C. 103(a) has been overcome. The Examiner should withdraw the rejection of these claims.

CONCLUSION

The foregoing is submitted as a full and complete response to the Official Action mailed March 13, 2006, and it is submitted that Claims 1-22 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of Claims 1-22 is earnestly solicited.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-1556.

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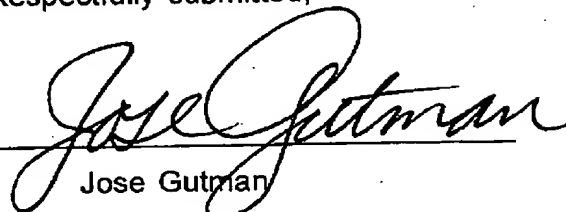
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In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

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